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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,217	11/19/2001	Robert M. Zeidman	M-8637-1P US	9153
7590	08/05/2005		EXAMINER	LUU, CUONG V
MacPherson, Kwok, Chen & Heid LLP 1762 Technolgy Drive Suite 226 San Jose, CA 95110			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/044,217	ZEIDMAN, ROBERT M.
Examiner	Art Unit	
Cuong V. Luu	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 November 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 April 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/19/2001.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 40 (p. 7, lines 21-22). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 1 and 4 is objected to because of the following informalities:

2. As per claim 1, the inventor recites "A method for connecting a simulation of an electronic device to a network" (p. 12, line 4). Simulation is an abstract word describing an act of simulating, not a physical device, so it cannot be connected to a network.

3. The applicant recites, "Storing the data packets received from the network" (p. 12, line 23) while referencing to claim 2, which states, "storing the data packets received from the simulation in a second buffer in memory".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 13-16, and 19-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Petersen et al (U.S. Patent 5307459).

4. As per claim 1, Petersen et al teach a method for connecting a simulation of an electronic device to a network comprising:

- (a) receiving data packets from the network through a network interface (col. 6 lines 23-27);
- (b) storing the data packets received from the network in a first buffer in memory (col. 6, lines 29-32; and Fig. 5);
- (c) transmitting the data packets received from the network to the simulation through a software interface (col. 6, lines 23-27. The transceiver used to transmit data needs software to perform the data transmission);

(d) receiving data packets from the simulation through the software interface (col. 6 lines 23-27. Again the receiver needs software to perform the task of receiving data); and

(e) transmitting the data packets received from the simulation to the network through the network interface (col. 6 lines 23-27).

5. As per claim 2, Petersen et al teach storing the data packets received from the simulation in a second buffer in memory (Fig. 5; col. 12, lines 29-38).

6. As per claim 3, the method of claim 1, wherein the first buffer comprises a receive buffer and a transmit buffer, said method further comprises:

(a) storing the data packets received from the network in the receive buffer (Fig. 5; col. 12, lines 29-38); and

(b) transferring the data packets stored in the receive buffer to the first transmit buffer (Fig. 5; col. 12, lines 29-38).

7. As per claim 4, the method of claim 2, wherein the second buffer comprises a receive buffer and a transmit buffer, said method further comprises:

storing the data packets received from the network in the receive buffer (Fig. 5; col. 12, lines 29-38); and

transferring the data packets stored in the receive buffer to the transmit buffer (Fig. 5; col. 12, lines 29-38).

8. As per claim 13, Petersen et al teach receiving data packets from the network, and the storing the data packets received from the network and the transmitting the data packets

received from the network are executed in a first thread (col. 6 lines 23-27; col. 6, lines 29-32; and Fig. 5; col. 6 lines 23-27) and the receiving data packets from the simulation and the transmitting the data packets received from the simulation are executed in a second thread (col. 6 lines 23-27; col. 6 lines 23-27; Fig. 5).

9. As per claim 14, the method of claim 1, wherein the receiving data packets from the network and the storing of data packets received from the network are executed in a first thread (col. 6 lines 23-27; col. 6, lines 29-32; and Fig. 5), the transmitting the data packets received from the network is executed in a second thread (col. 6 lines 23-27; Fig. 5), the receiving data packets from the simulation and the transmitting the data packets received from the simulation are executed in a third thread (col. 6 lines 23-27; col. 6 lines 23-27; Fig. 5).
10. As per claim 15, Petersen et al teach the receiving data packets from the network and the storing of data packets received from the network are executed in a first thread (col. 6 lines 23-27; col. 6, lines 29-32; and Fig. 5), the transmitting the data packets received from the network is executed in a second thread (col. 6 lines 23-27; Fig. 5), the receiving data packets from the simulation is executed in a third thread (col. 6 lines 23-27), and the transmitting the data packets received from the simulation is executed in a fourth thread (col. 6 lines 23-27; Fig. 5).
11. As per claim 16, Petersen et al teach the receiving data packets from the network and the storing of data packets received from the network are executed in a first thread (col. 6 lines 23-27; col. 6, lines 29-32; and Fig. 5), the transmitting the data packets received from the network is executed in a second thread (col. 6 lines 23-27; Fig. 5), the receiving and storing

of data packets from the simulation are executed in a third thread (col. 6 lines 23-27; Fig. 5; col. 12, lines 29-38), and the transmitting the data packets received from the simulation is executed in a fourth thread (col. 6 lines 23-27; Fig. 5).

12. As per claim 19, Petersen et al teach an apparatus for connecting an electronic device to a network comprising:

(a) a computer having a memory (col. 5, lines 58-59);

(b) a first buffer in the memory (col. 6, lines 29-32; and Fig. 5); and

(c) computer instructions executable by the computer for:

receiving data packets from the network (col. 6 lines 23-27. The receiver needs instructions to perform the task of receiving data);

storing data packets received from the network in the first buffer (col. 6, lines 29-32; and Fig. 5);

transmitting the data packets received from the network to the electronic device under simulation (col. 6, lines 23-27);

receiving the data packets from the electronic device under simulation (col. 6 lines 23-27); and

transmitting the data packets received from the electronic device under simulation to the network (col. 6 lines 23-27).

13. As per claim 20, Petersen et al teach an Ethernet cable to connect the computer to the network (col. 5, lines 59-60. The examiner interprets that an Ethernet cable is needed to connect the computer to the network because the network is an Ethernet network).

14. As per claim 21, it is different to claim 1 only that a computer readable medium having computer instructions to perform in a computer. The host system is a computer. It, of course needs instructions to perform tasks in this claim, and this host has memory EEPROM and RAM, which are computer readable medium to carry out these tasks. This claim is, therefore, rejected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al as applied to claim 1 above, and further in view of Gagne et al (U.S. Patent 5303347).

15. As per claim 5, Petersen et al do not teach changing the size of the first buffer at run time. However, Gagne et al teach this feature (col. 5, lines 64-68). It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Gagne et al. Gagne et al's teaching of changing the size of the first buffer at run time would have helped users store different sizes of data important to the simulation of electronic devices.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al as applied to claim 1 above, and further in view of Watanabe et al (U.S. Patent 5761486).

16. As per claim 7, Petersen et al do not teach keeping a record of the data packets received from the network, the data packets transmitted to the simulation, the data packets received from the simulation; and the data packets transmitted to the network.

However, Watanabe et al teach these features (col. 6, lines 18-23).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Watanabe et al. Watanabe et al's teachings of keeping a record of the data packets received from the network, the data packets transmitted to the simulation, the data packets received from the simulation, and the data packets transmitted to the network would have provided designers information of the simulation in order to analyze and evaluate the simulation of electronic devices.

17. As per claim 8, Petersen et al do not teach displaying the record on a screen.

However, Watanabe et al teach these features (col. 10, lines 41-46).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Watanabe et al. Watanabe et al's displaying the record on a screen would visually have provided designers information so that they could conveniently have viewed and analyzed information.

18. As per claim 9, Petersen et al do not teach storing the record in a file.

However, Watanabe et al teach this feature (col. 6, lines 13-18).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Watanabe et al. Watanabe et al's storing the record in a file would have helped designers to store information to review later as needed.

Claim 6, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al as applied to claim 1, 2, 3, and 4 above, and further in view of Lakshman (IEEE/ACM Transaction on Networking, Vol. 5, No. 3, June 1997).

19. As per claim 6, Petersen et al do not teach discarding packets of data when the first buffer is full.

However, Lakshman teaches discarding packets when buffer is full (p. 337, col. 2, lines 21-23).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Lakshman. Lakshman's teaching of discarding packets when buffer is full would have helped reduce resource and time for monitoring buffer and prevent overwriting old data that are in use with new data.

20. As per claim 22, Petersen et al do not teach discarding data packets when the second buffer is full.

However, Lakshman teaches discarding packets when buffer is full (p. 337, col. 2, lines 21-23).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Lakshman. Lakshman's teaching of discarding packets when buffer is full

would have helped reduce resource and time for monitoring buffer and prevent overwriting old data that are in use with new data.

21. As per claim 23, Petersen et al do not teach discarding data packets when either one of the receive buffer and the transmit buffer is full.

However, Lakshman teaches discarding packets when buffer is full (p. 337, col. 2, lines 21-23).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Lakshman. Lakshman's teaching of discarding packets when buffer is full would have helped reduce resource and time for monitoring buffer and prevent overwriting old data that are in use with new data.

22. As per claim 24, Petersen et al do not teach discarding data packets when either one of the receive buffer and the transmit buffer is full.

However, Lakshman teaches discarding packets when buffer is full (p. 337, col. 2, lines 21-23).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Lakshman. Lakshman's teaching of discarding packets when buffer is full would have helped reduce resource and time for monitoring buffer and prevent overwriting old data that are in use with new data.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al as applied to claim 1 above, and further in view of Chu et al (ACM, 0-89791-089-3/83/0300-0170, 1983).

23. As per claim 10, Petersen et al do not teach recording the throughput of the data packets.

However, Chu et al teach this feature (p. 171, col. 2, paragraph 5, lines 1-6).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Chu et al. Chu et al's teaching of recording the throughput of the data packets would have provided designers performance statistics of devices under simulation to make decisions about modification, re-design, or adjustment regarding the those devices.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al as applied to claim 1 above, and further in view of Nicol (U.S. Patent 6757367B1)

24. As per claim 11, Petersen et al do not teach modifying the packets.

However, Nicol teaches this feature (col. 24, lines 35-39).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Nicol. Nicol's teaching of modifying the packets would have made packets suitable for receipt by the simulation.

25. As per claim 12, Petersen et al do not teach modifying includes removing a preamble from a data packet.

However, Nicol teaches this feature (col. 24, lines 35-39).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Nicol. Nicol's teaching of modifying includes removing a preamble from a data packet would have made packets suitable for receipt by the simulation.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al, and in view of Kubler et al (U.S. Patent 6850510 B2).

26. As per claim 17, Petersen et al teach a method for testing a system for connecting an electronic device under simulation to a network, the method comprising:

- (a) generating a data packet in a first computer (col. 5, lines 55-59. The examiner interprets data transfer to and from host computer as data packet being generated in a computer different from the host computer);
- (b) transmitting the data packet, from the first computer, to a second computer (col. 5, lines 55-59);
- (c) transmitting back the data packet received by the second computer to the first computer (col. 5, lines 55-59);

However, Petersen et al do not teach

- (d) comparing the data packet received by the first computer with the data packet that was sent by the first computer; and
- (e) reporting an error if the data packet received by the first computer does not match the data packet that was sent by the first computer.

Kubler et al teach comparing data and reporting an error if there were mismatches (col. 80, lines 39-44).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Petersen et al and Kubler et al. Kubler et al's teachings of comparing data and reporting an error if there were mismatches would have helped designers detect problems with devices under simulation or communication issues between the 2 computers over the network.

27. As per claim 18, Petersen et al teach a method for testing a system for connecting an electronic device under simulation to a network, the method comprising:

- (a) generating a data packet in a first computer (this limitation has been discussed in claim 17);
- (b) from the first computer, transmitting the data packet to a second computer (this limitation has been discussed in claim 17);
- (c) at the second computer, storing the data received from the first computer in a first buffer in the second computer (col. 6, lines 29-32; and Fig. 5);
- (d) at the second computer, transmitting the data stored in the first buffer to a third computer (col. 5, lines 55-59. The examiner interprets transmitting data from the host computer back to the network as sending data to a third computer);
- (e) at the third computer, transmitting back the data packet received to the second computer (col. 5, lines 55-59. The examiner interprets these lines as the host, the second computer, receiving data transmitted from the third computer since a network has many computers);
- (f) at the second computer, transmitting the data received from the third computer to the first computer (this limitation has been discussed in claim 17);
- (g) at the first computer, comparing the data packet received with the data packet that was sent (this limitation has been discussed in claim 17); and
- (h) reporting an error if the data packet received by the first computer does not match the data packet sent by the first computer (this limitation has been discussed in claim 17).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong Luu whose telephone number is 571-272-8572. The examiner can normally be reached on Monday – Friday 8:30 AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on 571-272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/25/05